

Docket No.: 17858/120103

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEVEN J. RYCHNOVSKY

Serial No.: 09/871,441

Filed: May 31, 2001

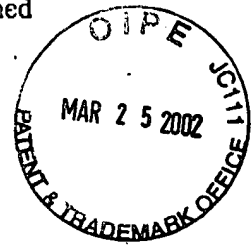
For: METHOD FOR IMPROVING TREATMENT  
SELECTIVITY AND EFFICACY USING  
INTRAVASCULAR PHOTODYNAMIC  
THERAPY

COPY OF PAPERS  
ORIGINALLY FILED

01/25/02

Examiner: Not Assigned

Art Unit: 1614



December 4, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
**OF NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents  
Attn.: Box Missing Parts  
Washington, D.C. 20231

Sir:


In response to the Notice to File Missing Parts of Application issued on August 1, 2001, enclosed is a "Declaration and Power of Attorney for Utility Patent Application," which has been executed by the inventors in compliance with 37 C.F.R. § 1.63, as well as substitute drawings in compliance with 37 C.F.R. § 1.84. Applicant respectfully requests under the provisions of 37 C.F.R. § 1.136(a) to extend the period for filing a reply in the above-identified application.

Enclosed is a check for \$525.00 for the surcharge for filing the missing declaration, as set forth in 37 C.F.R. § 1.16(e), as well as the extension for reply within the third month.

No additional fees are currently due. However, if this is incorrect, the undersigned hereby authorizes any additional fees to be paid from Deposit Account No. 02-4467.

0987444 01300

Respectfully submitted,

By   
Roxana Wizorek  
Registration No. 46,110  
BRYAN CAVE LLP  
211 North Broadway, Suite 3600  
St. Louis, Missouri 63102-2750  
(314) 259-2619 (Telephone)  
(314) 259-2020 (Facsimile)

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in an  
envelope addressed to: Assistant Commissioner for Patents,  
Attn.: Box Missing Parts, Washington, D.C. 20231, on

December 4, 2001  
(Date of Deposit)

Roxana Wizorek  
Attorney for Applicant

  
Signature

December 4, 2001  
Date of Signature

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01/25/02

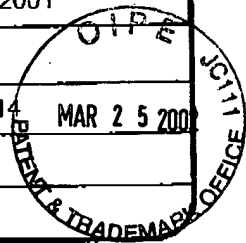
PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/871,441	
	Filing Date	05/31/2001	
	First Named Inventor	Rychnovsky	
	Group Art Unit	1614	
	Examiner Name	Unknown	
Total Number of Pages in This Submission	23	Attorney Docket Number	17858/120103



ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): *Copy of Notice to File Missing Parts *Declaration & Power of Attorney for Utility Patent Appl. *Drawings *Check for \$525.00 *Return postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Roxana Wizorek
Signature	
Date	12/04/2001

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 12/04/2001

Typed or printed name	Nancy Collora		
Signature		Date	12/04/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$) 525.00**Complete if Known**

Application Number	09/871,441
Filing Date	05/31/2001
First Named Inventor	Rychnovsky
Examiner Name	Unknown
Group Art Unit	1684
Attorney Docket No.	17858/120103

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	02-4467
Deposit Account Name	Bryan Cave

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	180	214	80	Provisional filing fee	

**SUBTOTAL (1)** (\$) **2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = <input type="text"/> X <input type="text"/>		
Multiple Dependent	-3** = <input type="text"/> X <input type="text"/>		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$) 

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	460.00
119	1,440	219	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(a)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) 

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 525.00**SUBMITTED BY**

Name (Print/Type) Roxana Wizorek

Signature Registration No. 46,110  
(Attorney/Agent)**Complete (if applicable)**

Telephone (314) 259-2699

Date 12/04/2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Received from &lt; &gt; at 3/25/02 2:09:40 PM [Eastern Standard Time]

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01/25/02



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/871,441	05/31/2001	Steven J. Rychnovsky	17858/120103

Roxana Wizorek  
Bryan Cave LLP  
211 North Broadway, Suite 3600  
St. Louis, MO 63102

DATE RECEIVED

AUG 06 2001

DOCKETING

CONFIRMATION NO. 8892

FORMALITIES LETTER



\*OC000000006369519\*

Date Mailed: 08/01/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice **MUST** be returned with the reply.


17858/120103
CLIENT/MATTER
09/871,441
SERIAL NO.
Missing PARTS
ACTION
RW2
ATTORNEY
10/1/01 final 3/1/02
DEADLINE

03/25/2002 12:55 FAX

BRYAN CAVE LLP (2026)

008

Page 2 of 2

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

2025-04-20 14:44:00



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
WWW.USPTO.GOV

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/871,441	05/31/2001	Rychnovsky, Steven	17858/120103

Roxana Wizorek  
Bryan Cave LLP  
211 North Broadway, Suite 3600  
St. Louis MO 63102

DATE RECEIVED

MAR 22 2002



**Title:** Method for improving treatment selectivity and efficacy using ~~ultra-violet~~ photodynamic therapy

Date Mailed: 03/15/2002

### Request for Substitute Papers

The papers filed on 01/25/02 (certificate of mailing dated 12/04/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO **strongly** prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. **A copy of this notice should be included with the reply.**

-----  
The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: Roxana Wizorek Registration No.: 46,110  
Signature: [Signature] Date: 3/25/02

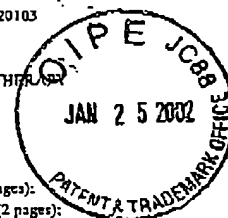


RW2/ndc December 4, 2001 17858/120103  
In re Application of Steven J. Rychkovsky  
for: METHOD FOR IMPROVING TREATMENT SELECTIVITY  
AND EFFICACY USING INTRAVASCULAR PHOTODYNAMIC THERAPY  
Serial No.: 09/871,441 Filed: May 31, 2001

## Enclosed:

1. Transmittal Form (1 page);
2. Fee Transmittal for FY 2002 (1 page);
3. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pages);
4. Response to Notice to File Missing Parts of Nonprovisional Application (2 pages);
5. Declaration and Power of Attorney for Utility Patent Application (2 pages);
6. Drawings (15 pages)
7. Check for \$525.00 for surcharge for filing missing declarations and drawings as they are due;
8. This return postcard

PLEASE DATE STAMP AND RETURN TO ACKNOWLEDGE RECEIPT.



DATE RECEIVED

FEB 04 2002

DOCKETING